

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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HERMA ROBINSON,	:	
	:	No. 10-CIV-3926 (JFB) (AKT)
Plaintiff,	:	
	:	
v.	:	<b>DECLARATION OF</b>
	:	<b>PETER A. WALKER, ESQ.</b>
ZURICH NORTH AMERICA INSURANCE COMPANY,	:	
and JENNIFER ROBBIE aider and abettor,	:	
	:	
Defendants.	:	
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I, **PETER A. WALKER, ESQ.**, being duly sworn, declare under penalty of perjury that the foregoing is true and correct:

1. I am a member of the law firm of Seyfarth Shaw LLP, attorneys for Defendants Zurich American Insurance Company ("Zurich") and Jennifer Robbie ("Robbie") (collectively, "Defendants"), in the above-captioned action. This Declaration is submitted in support of Defendants' Fed. R. Civ. P. 56 motion for summary judgment dismissing the Complaint of plaintiff Herma Robinson ("Robinson") in its entirety.

2. Attached as "Exhibit A" is a true and correct copy of the Complaint in the above-captioned action.

3. Attached as "Exhibit B" is a true and correct copy of Defendants' Answer, Affirmative and Other Defenses in the above-captioned action.

4. Attached as "Exhibit C" are true and correct copies of the relevant pages from the Transcript of the Deposition of Herma Robinson, taken on May 16, 2011.

5. Attached as "Exhibit D" are true and correct copies of the relevant pages from the Transcript of the Deposition of Jennifer Robbie, taken on May 18, 2011.

6. Attached as “Exhibit E” are true and correct copies of the relevant pages from the transcript of the Deposition of Joseph Kostkowski, taken on July 28, 2011.

7. Attached as “Exhibit F” are true and correct copies of the relevant pages from the transcript of the Deposition of Catherine Spera, taken on June 30, 2011.

8. Attached as “Exhibit G” are true and correct copies of the relevant pages from the transcript of the Deposition of Patricia Magid, taken on June 1, 2011.

9. Attached as “Exhibit H” is a true and correct copy of Plaintiff’s August 22, 2003 Offer Letter, identified by Bates Nos. ZURICH000048-49, and marked as Exhibit 2 at the Deposition of Herma Robinson, taken on May 16, 2011.

10. Attached as “Exhibit I” is a true and correct copy of Plaintiff’s Job Profile, identified by Bates Nos. ZURICH000285-287, and marked as Exhibit 3 at the Deposition of Herma Robinson, taken on May 16, 2011.

11. Attached as “Exhibit J” is a true and correct copy of Plaintiff’s 2007 Year End Assessment, identified by Bates Nos. ZURICH000001-11, and marked as Exhibit 6 at the Deposition of Herma Robinson, taken on May 16, 2011.

12. Attached as “Exhibit K” is a true and correct copy of a March 25, 2008, “Refusal to Sign Corrective Action Document,” identified by Bates Nos. ZURICH000210, and marked as Exhibit 10 at the Deposition of Herma Robinson, taken on May 16, 2011.

13. Attached as “Exhibit L” is a true and correct copy of Plaintiff’s July 2, 2008 Probation- Final Warning, identified by Bates Nos. ZURICH000254-282, and marked as Exhibit 12 at the Deposition of Herma Robinson, taken on May 16, 2011.

14. Attached as “Exhibit M” is a true and correct copy of an email from Catherine Spera to Plaintiff, dated October 1, 2008, identified by Bates Nos. ZURICH004650, and marked as Exhibit 13 at the Deposition of Herma Robinson, taken on May 16, 2011.

15. Attached as “Exhibit N” is a true and correct copy of Plaintiff’s Termination Letter, dated August 31, 2009, identified by Bates Nos. ZURICH000295, and marked as Exhibit 16 at the Deposition of Herma Robinson, taken on May 16, 2011.

16. Attached as “Exhibit O” is a true and correct copy of an email from Jenny Killgore to Plaintiff, dated January 13, 2009, identified by Bates Nos. Robinson 00655-659, and marked as Exhibit 18 at the Deposition of Herma Robinson, taken on May 16, 2011.

17. Attached as “Exhibit P” is true and correct copy of an email from Robbie to Kostkowski, dated September 21, 2007, identified by Bates No. ZURICH003681-3682, and marked as Exhibit 8 at the Deposition of Jennifer Robbie, taken on May 18, 2011.

18. Attached as “Exhibit Q” is true and correct copy of an email from Robbie to Plaintiff, dated October 12, 2007, identified by Bates Nos. Robinson 408-412 and Robinson 415, and marked as Exhibit 9 at the Deposition of Jennifer Robbie, taken on May 18, 2011.

19. Attached as “Exhibit R” is true and correct copy of an email from Plaintiff to herself, dated October 25, 2007, identified by Bates Nos. Robinson 436-438, and marked as Exhibit 11 at the Deposition of Jennifer Robbie, taken on May 18, 2011.

20. Attached as “Exhibit S” is true and correct copy of an email from Robbie to Plaintiff, dated October 29, 2007, identified by Bates No. Robinson 442, and marked as Exhibit 12 at the Deposition of Jennifer Robbie, taken on May 18, 2011.

21. Attached as “Exhibit T” is a true and correct copy of an email from Pam Burris to Robbie dated December 31, 2008, identified by Bates Nos. ZURICH004900-4901, and marked as Exhibit 24 at the Deposition of Jennifer Robbie, taken on May 18, 2011.

22. Attached as “Exhibit U” is a true and correct copy of Plaintiff’s 2005 Performance Review, identified by Bates Nos. Robinson 00012-18, and marked as Exhibit 2 at the Deposition of Joseph Kostkowski, taken on July 28, 2011.

23. Attached as “Exhibit V” is a true and correct copy of an email from Kostkowski to Robbie, dated October 12, 2007, identified by Bates Nos. ZURICH003684-3687, and marked as Exhibit 16 at the Deposition of Joseph Kostkowski, taken on July 28, 2011.

24. Attached as “Exhibit W” is a true and correct copy of a Catherine Spera’s Typed Notes, dated October 24, 2007, identified by Bates No. ZURICH000377, and marked as Exhibit 4 at the deposition of Catherine Spera, taken on June 30, 2011.

25. Attached as “Exhibit X ” is a true and correct copy of “Verbal Warning - Performance”, identified by Bates Nos. Robinson 327-328, and marked as Exhibit 6 at the Deposition of Catherine Spera, taken on June 30, 2011.

26. Attached as “Exhibit Y” is a true and correct copy of Catherine Spera’s Typed Notes, identified by Bates Nos. ZURICH000373-375, and marked as Exhibit 10 at the Deposition of Catherine Spera, taken on June 30, 2011.

27. Attached as “Exhibit Z” is a true and correct copy of Plaintiff’s Written Warning, identified by Bates Nos. Robinson 0330-332, and marked as Exhibit 11 at the Deposition of Catherine Spera, taken on June 30, 2011.

28. Attached as “Exhibit AA” is a true and correct copy of an email from Plaintiff to Spera dated May 14, 2008”, identified by Bates Nos. ZURICH003229-3230, and marked as Exhibit 13 at the Deposition of Catherine Spera, taken on June 30, 2011.

29. Attached as “Exhibit BB ” is a true and correct copy of an email from Plaintiff to Spera dated July 7, 2008, identified by Bates No. ZURICH003431, and marked as Exhibit 18 at the Deposition of Catherine Spera, taken on June 30, 2011.

30. Attached as “Exhibit CC” is a true and correct copy of an email from Plaintiff to Spera dated July 7, 2008, identified by Bates Nos. ZURICH003432-3433, and marked as Exhibit 19 at the Deposition of Catherine Spera, taken on June 30, 2011.

31. Attached as “Exhibit DD” is a true and correct copy of an email from Pam Burris to Robbie, dated September 23, 2008, identified by Bates No. ZURICH006160, and marked as Exhibit 21 at the Deposition of Catherine Spera, taken on June 30, 2011.

32. Attached as “Exhibit EE” is a true and correct copy of an email from Robbie to Killgore dated September 30, 2008, identified by Bates Nos. ZURICH007016-7020, and marked as Exhibit 22 at the Deposition of Catherine Spera, taken on June 30, 2011.

33. Attached as “Exhibit FF” is a true and correct copy of an email from Plaintiff to Killgore dated January 14, 2009, identified by Bates Nos. Robinson 660-664, and marked as Exhibit 25 at the Deposition of Catherine Spera, taken on June 30, 2011.

34. Attached as “Exhibit GG” is a true and correct copy of an email from Plaintiff to Burris dated January 16, 2009, identified by Bates No. Robinson 665, and marked as Exhibit 26 at the Deposition of Catherine Spera, taken on June 30, 2011.

35. Attached as “Exhibit HH” is a true and correct copy of Catherine Spera’s Typed Notes, dated March 19, 2009, identified by Bates No. ZURICH000376, and marked as Exhibit 30 at the Deposition of Catherine Spera, taken on June 30, 2011.

36. Attached as “Exhibit II” is a true and correct copy of an email from Plaintiff to Robbie, dated June 2, 2009, identified by Bates No. Robinson 736, and marked as Exhibit 32 at the Deposition of Catherine Spera, taken on June 30, 2011.

37. Attached as “Exhibit JJ” is a true and correct copy of an email from Herma Robinson to Jenny Killgore, dated January 7, 2009, produced during discovery and identified by Bates Nos. ZURICH003574-3575.

38. Attached as “Exhibit KK” is a true and correct copy of an email from Plaintiff to herself, dated August 23, 2007, produced by Plaintiff during discovery and identified by Bates Nos. Robinson 380-381.

39. Attached as “Exhibit LL ” is a true and correct copy of an email from Plaintiff to Killgore, dated January 16, 2009, produced by Plaintiff during discovery and identified by Bates Nos. Robinson 670-674.

40. Attached as “Exhibit MM” is a true and correct copy of an email from Plaintiff to Killgore, dated February 13, 2009, produced by Plaintiff during discovery and identified by Bates Nos. Robinson 683.

41. Attached as “Exhibit NN” is a true and correct copy of an email from Plaintiff to Robbie dated March 24, 2009, produced by Plaintiff during discovery and identified by Bates Nos. Robinson 0698-699.

42. Attached as “Exhibit OO” is a true and correct copy of an email from Plaintiff to Spera dated May 14, 2008, produced by Plaintiff during discovery and identified by Bates Nos. Robinson 01166-01167.

43. Attached as “Exhibit PP” is a true and correct copy of Plaintiff’s “2008 Year End Assessment” produced during discovery and identified by Bates Nos. ZURICH000116-132.

44. Attached as “Exhibit QQ” is a true and correct copy of Deborah Conley’s 2008 Year-End Assessment, produced during discovery and identified by Bates Nos. ZURICH000378-395

45. Attached as “Exhibit RR ” is a true and correct copy of an email from Plaintiff to Spera dated July 2, 2008, produced during discovery and identified by Bates Nos. ZURICH003236-3237.

46. Attached as “Exhibit SS ” is a true and correct copy of Plaintiff’s failed Litigation Management Test, produced during discovery and identified with Bates Nos. ZURICH000353-360, and identified as Exhibit 24 during Plaintiff’s deposition.

47. Attached as “Exhibit TT ” is a true and correct copy of an email from Patricia Liotta to Jeffrey Block, dated June 22, 2009, produced during discovery and identified by Bates Nos. ZURICH003674-3675.

48. Attached as “Exhibit UU ” is a true and correct copy of an email from Killgore to Plaintiff, dated June 8, 2009, produced during discovery and identified by Bates Nos. ZURICH004845-4849.

49. Attached as “Exhibit VV ” is a true and correct copy of an email from Burris to Plaintiff, dated January 22, 2009, produced during discovery and identified by Bates No. ZURICH004936.

50. Attached as “Exhibit WW ” is a true and correct copy of an email from Burris to Plaintiff, dated December 3, 2008, produced during discovery and identified by Bates No. ZURICH006828.

51. Attached as “Exhibit XX” is a true and correct copy of an email from Burris to Plaintiff, dated October 21, 2008, produced during discovery and identified by Bates Nos. ZURICH007434-7435.

52. Attached as “Exhibit YY” is a true and correct copy of an email from Burris to Plaintiff, dated January 15, 2009, produced during discovery and identified by Bates Nos. ZURICH007606-7607.

53. Attached as “Exhibit ZZ ” is a true and correct copy of an email from Burris to Plaintiff, dated October 6, 2008, produced during discovery and identified by Bates Nos. ZURICH009789-9790.

54. Attached as “Exhibit AAA ” is a true and correct copy of an email from Robbie to Kostkowski dated March 3, 2008, produced during discovery and identified by Bates Nos. ZURICH003708-3711.

55. Attached as “Exhibit BBB” is a true and correct copy of an email from Spera to Sharon Margello dated September 1, 2009, produced during discovery and identified by Bates Nos. ZURICH012810-12812.

56. Attached as “Exhibit CCC” is a true and correct copy of an email from Plaintiff to Robbie dated March 4, 2009, produced by Plaintiff during discovery and identified by Bates No. Robinson 691.



57. Attached as “Exhibit DDD” is a true and correct copy of an email from Plaintiff to Robbie dated March 19, 2009, produced by Plaintiff during discovery and identified by Bates No. Robinson 692.

58. Attached as “Exhibit EEE” is a true and correct copy of an email from Plaintiff to Robbie dated April 13, 2009, produced by Plaintiff during discovery and identified by Bates Nos. Robinson 706-707.

s/ Peter A. Walker  
Peter A. Walker, Esq. (PW-7984)